

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DARRELD LEWIS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-22-412-PRW
)	
The OKLAHOMA DEPARTMENT OF)	
CORRECTIONS,)	
)	
Defendant.)	

COMPLAINT

JURY DEMAND

This action seeks money damages arising from the violation of the Defendant's Constitutional Civil Rights by the Defendants. Plaintiff alleges that all of the Defendants acted under color of state law and violated Plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States.

JURISDICTION

This Court has jurisdiction over Plaintiff's federal claim under 42 U.S.C. §1983.

PARTIES

The Plaintiff, Darreld Lewis is an Oklahoma Citizen and is currently incarcerated under the authority of the Oklahoma Department of Corrections. The Defendant is the Oklahoma Department of Corrections, an agency of the State of Oklahoma.

FACTS

The Plaintiff is incarcerated in the Oklahoma Department of Corrections. In late 2013-2014 the Defendant was incarcerated by the Department of Corrections in Lawton,

Oklahoma. The plaintiff was involved in an attack instigated by 6 other inmates in the Lawton facility. As a result of the attack, the Oklahoma Department of Corrections issued an administrative separation order to secure the complete separation of all the parties up to and including transferring the separate parties to different facilities. In February 2021, one of the Plaintiff's assailants was transferred to the same Holdenville facility, where the Plaintiff was, and is currently incarcerated. Despite the Administrative Separation Order, prison officials allowed the Plaintiff and the other inmate to make contact. The Plaintiff was brutally attacked by the other inmate causing serious bodily harm and emotional distress. But for the negligence of prison officials, the two inmates would have never been in the same area.

FIRST CLAIM OF ACTION

The actions of prison officials violated the Defendant's Fifth and Fourteenth Amendment Due Process Rights by negligently placing the Plaintiff's life and safety in jeopardy by failure to keep the Plaintiff's assailant separated from the Plaintiff thereby allowing the assailant direct access to the Plaintiff which resulted in the assailant violently and brutally attacking the Plaintiff despite Oklahoma Department of Corrections direct knowledge that the assailant was a direct and immediate threat to the life and safety of the Plaintiff.

SECOND CLAIM OF ACTION

The actions of prison officials violated the Defendant's Fourteenth Amendment Rights Equal Protection Rights by negligently placing the Plaintiff's life and safety in jeopardy by failure to keep the Plaintiff's assailant separated from the Plaintiff thereby

allowing the assailant direct access to the Plaintiff which resulted in the assailant violently and brutally attacking the Plaintiff despite Oklahoma Department of Corrections direct knowledge that the assailant was a direct and immediate threat to the life and safety of the Plaintiff.

THIRD CAUSE OF ACTION

The actions of prison officials violated the Defendant's Eighth Amendment Rights by negligently placing the Plaintiff's life and safety in jeopardy by failure to keep the Plaintiff's assailant separated from the Plaintiff thereby allowing the assailant direct access to the Plaintiff which resulted in the assailant violently and brutally attacking the Plaintiff despite Oklahoma Department of Corrections direct knowledge that the assailant was a direct and immediate threat to the life and safety of the Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- A. On his first claim, a judgment for compensatory damages in an amount to be determined at trial, plus reasonable attorney fees against the Defendant.
- B. On his second claim, a judgment for compensatory and punitive damages in an amount to be determined at trial, against the Defendant.
- C. On his third claim, a judgment for compensatory and punitive damages in an amount to be determined at trial, against the Defendant.
- D. A jury trial on all appropriate issues;
- E. An award of costs and expenses against the Defendant;
- F. Any and all other relief this Court may deem appropriate.

Respectfully submitted this 19th day of May, 2022.

Respectfully submitted,

/s/ M. Michael Arnett

M. Michael Arnett, OBA #12071

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